

REMARKS

Applicants respectfully request entry of the amendment and reconsideration of the objection and rejection of the claims. After entry of the amendment, claims 56, and 69-75 are pending in the application.

Claim 56 has been amended to further clarify the invention. Support for the amended and newly added claims is found throughout the specification, including at page 25, lines 10-26, Table 2 at page 29, page 31, lines 22-30, page 38, lines 12-18 and page 40, lines 16-21. Applicants submit no new matter has been introduced by the foregoing amendment.

Claim Objection

Claim 56 was rejected, in part, as drawn to a non-elected invention. The Examiner alleges "administering an immunogenic fragment of a protein comprising an amino acid sequence of SEQ ID NO:76" is non-elected subject matter. Claim 56 has been amended to clarify that the antibody or antigen binding fragment thereof can bind a) a polypeptide comprising an amino acid of sequence of SEQ ID NO:76 or b) an immunogenic fragment of a protein comprising at least ten amino acids of SEQ ID NO:76. Accordingly, withdrawal of the objection is respectfully requested.

Priority

Applicants request that the Examiner acknowledge the claim for priority to 60/162,669 filed November 1, 1999 and 60/196,802 filed April 13, 2000.

Information Disclosure Statement

Applicants submitted a Supplemental Information Disclosure Statement on September 24, 2002 (courtesy copy provided) and September 2, 2004 (courtesy copy provided). Applicants request consideration of the references and return of the initialed PTO 1449 forms.

Double Patenting

Claims 56 and 69 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1, 4, 9, and 10 of copending U.S. Patent Application No. 10/824,075. Applicants request that the Examiner hold this rejection in abeyance until notice of allowable subject matter.

Anticipation

Claims 56 and 69-76 were rejected under 35 U.S.C. § 102(e) as anticipated by Olsen (U.S. Pub. No. 20020044237). Applicants respectfully traverse this rejection.

The Examiner alleges the Olsen reference teaches methods of modulating angiogenesis comprising administering an antibody or antigen binding fragment thereof that specifically binds a polypeptide comprising an amino acid sequence of SEQ ID NO:76. Applicants do not agree.

Applicants' claims are directed to a method of inhibiting angiogenesis comprising administering to the mammal an effective amount of an antibody or antigen binding fragment thereof that specifically binds to a polypeptide comprising an amino acid sequence of SEQ ID NO: 76 and/or an immunogenic fragment comprising at least 10 amino acids of SEQ ID NO:76.

Applicants submit that the Olsen et al reference does not anticipate the claimed invention because it does not disclose all of the elements of applicants' claims. The Olsen et al reference discusses treatment of disorders associated with neovascularization by administering stanniocalcin polynucleotides, polypeptides, agonists or antagonists thereof. See para. 422. This reference does not disclose that angiogenesis can be inhibited by administering an antibody or fragment thereof that specifically binds to stanniocalcin and/or an immunogenic fragment thereof.

For at least this reason, the Olsen et al reference does not anticipate Applicants' claims. Accordingly, Applicants respectfully request withdrawal of the rejection under § 102(e).

CONCLUSION

In light of the forgoing Amendment and Remarks, Applicants assert the claims are in condition for allowance. Early notice of allowable claims is requested. The Examiner is invited to telephone the undersigned attorney for clarification of any of these Remarks or Amendments, or to otherwise speed prosecution of this case.

Respectfully submitted,

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